

APPLICANT SCREENING PROCEDURE

1. All applicants for public housing will be screened according to the criteria set forth in the PHA's Admission and Occupancy Policy. These criteria, which are based on those set forth in the HUD Regulations (**24 CFR Part 960.205**), relate to the individual behavior of each applicant. Screening criteria to be used in public housing include:
 - A. Past performance in meeting financial obligations, particularly rent, is satisfactory (where nonpayment or late payment of rent has occurred, Authority will take into account extenuating circumstances, such as family illness, loss of job, etc., that may have caused the delinquency).
 - B. No record of disturbance of neighbors, destruction of property, or living or housekeeping habits which adversely affect the health, safety or welfare of other residents (*this includes alcohol abuse where the abuse results in behavior which interferes with the health, safety, or right to peaceful enjoyment of premises by other residents*)
 - C. No history of criminal activity involving crimes of physical violence to persons or property; possession, sale or use of illegal substances; or any other criminal acts that adversely affect the health, safety or welfare of themselves or other residents. Criminal activity includes deferred adjudication on a case by case basis.
2. The PHA will be the final judge of what constitutes adequate and credible documentation. If staff have doubts about the veracity or reliability of information received, they should pursue alternative methods until they are satisfied that their documentation is the best available.
3. Staff should be prepared to explain to landlords and other housing providers what the obligations of public housing tenancy entail to help these verification sources provide informed references about an applicant's future ability to comply with lease requirements.
4. If an applicant is disabled or speaks a language other than English, PHA staff will be sensitive to the special needs he/she might have in carrying out the interview. Where appropriate, the PHA will provide a person to explain the process and ask the questions in sign language, or in some other language.
5. All documentation and copies will be dated and signed and placed in family file.

How Each Applicant's History Will be Checked

1. **Past performance meeting financial obligations, especially rent: (24 CFR 960.205(b)(1))**
 - A. This will be checked first by contacting the current landlord and at least one prior landlord. The **Landlord Verification Form** will be used to gather information about past performance meeting rental obligations.
 - B. The reason for checking with prior landlords is that current landlords of dangerous, destructive or costly applicants may misrepresent or not report information about them to get the PHA to take over their problem. Contacts with all prior landlords for at least the past three years (five years is better, but not always possible) are to be pursued.
 - C. If verified records of timely rental payments are received from landlord(s), no further documentation of past performance meeting financial obligations, especially rent, need be collected.
 - D. The PHA will take into account extenuating circumstances, such as family deaths, loss of job, etc., if poor payment or nonpayment shows up for a given period of time.
 - E. A former PHA tenant or Section 8 participant (otherwise eligible) who applies owing a balance consisting of uncollected rent and/or miscellaneous charges in either Public Housing or Section 8 may not be placed on the Waiting List until that balance is paid.
 - In this case, the PHA makes no distinction between an outstanding balance carried as a current receivable and an outstanding balance which has been written off as a collection loss.
 - Otherwise eligible families who, when they apply for housing have outstanding balances owed to a PHA, shall be rejected if they fail to pay these amounts in full.
 - F. If the applicant has no landlord reference (e.g. because of living with friends or family or in an institution or shelter) or if the landlord reference is ambiguous or not credible the PHA will do the following:
 - run a credit check on the applicant
 - check court records for evidence of evictions or judgments against the applicant.
 - G. If the PHA staff have questions about information received, they may contact the housing provider in order to get reliable and credible documentation.

- H. If PHA is unsuccessful at obtaining landlord verifications, an interview with the family will be conducted using the form **Ability to Comply with Lease Terms**.
2. **Disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other tenants (See 24 CFR § 960.206)**
- A. Staff will check for these potential problems with the current landlord and at least one former landlord using the **Landlord Verification Form**.
- B. If there are no references to check, a PHA staff person may make a Home Visit if the home is within a 20 mile radius of the PHA. The purpose of the home visit is to guard against admitting an applicant whose living or housekeeping habits would create a threat to the health or safety of others. Applicants will be notified of home visits at least two days in advance. The PHA staff will use the **Home Visit Form**.
- C. If the applicant is not currently living under a lease with a landlord, the current housing provider will be asked to verify the applicant's ability to comply with PHA lease terms as it relates to this criterion. Any area for which the applicant has upkeep responsibility will be inspected.
- D. The **Police Record Verification (city and county)** Forms will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest.
- E. An applicant's behavior toward PHA staff will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward PHA staff will be noted in the file.
3. **Involvement in criminal activity on the part of any applicant family member that would adversely affect the health, safety or welfare of other tenants: (See 24 CFR § 960.205(b)(3))**
- A. PHA will perform a criminal check on all adult family members according to the PHA's Criminal Screening "**One Strike**" Policy.
- B. PHA will use the **Police Record Verification (city and county)** forms to obtain local criminal activity information.
- C. PHA will check with
1. the Department of Public Safety Sex Offender Registration Data Base at: <https://records.txdps.state.tx.us/soSearch/default.cfm> to see if any family members are registered sex offenders.
 2. <http://www.PublicData.com>

3. The National Sex Offender Registration
4. Texas DPS Secure Site
5. Happy Software
6. Other sources as needed to determine eligibility.

Explaining the Screening Process

Applicants will be told what the PHA's applicant selection policy is and what aspects of their background will be checked. Some applicants might voluntarily withdraw their applications when they understand the screening process because, with their knowledge of their own tenant history they believe it would be fruitless to continue. This is their prerogative.

Applicants with Disabilities

It is illegal to deny an applicant because he or she has a disability, or for reasons that could be overcome by the PHA's reasonable accommodation of the applicant's disability. If, even with reasonable accommodation, applicants with disabilities cannot meet essential program requirements, it is permissible to deny them. Such insurmountable problems might arise because of behavior or performance in past housing, inability to comply with the terms of the PHA's lease, or needed services from PHA staff that represent an alteration in the fundamental nature of the PHA's program. (Required, 24 CFR 100.202)

There are three possible stages of processing the applications of persons with disabilities under the Regulations.

Eligibility Review

- The first stage of processing is the determination of program eligibility. At this point it is necessary to document that each single applicant who is less than 62 years of age is disabled as defined in HUD's Part 5 regulations. The question must be asked to determine whether the applicant qualifies as an Disabled Family.
- Elderly/disabled Family status qualifies the member for a special deduction in rent computation and confers a preference in assigning units in buildings for the disabled. Once an applicant has been determined to have a disability, no further reference should be made to that fact unless the application reaches the third stage of processing.

Applying the Applicant Selection Criteria

- The second stage of processing is applying the applicant selection criteria contained in this procedure. Neither mitigating circumstances nor reasonable accommodations will be an issue for any applicant who passes the applicant selection criteria.

- An applicant who happened to have a disability but was able to demonstrate a history of meeting financial obligations, caring for a rental unit, avoiding disturbing neighbors and destroying property, eschewing criminal behavior, and, if necessary, ability to comply with the PHA's lease, would be recommended for admission with no further reference to or consideration of any disability.

Seeking Mitigating Circumstances

- This stage of processing would only come into play if an applicant could not meet one or more of the applicant selection criteria. At this point, applicants with disabilities are entitled to considerations to accommodate their special needs in addition to those afforded to all other applicants.
- Staff should hold a second interview with any applicant known to have a disability who cannot meet one or more of the applicant screening criteria. The purpose of this interview is to determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying reasonable accommodation.
- Mitigating circumstances would be facts (that can be verified) that would overcome or outweigh information already gathered in the tenant screening process. For example, if an applicant's previous history of disturbing neighbors was very poor, but his recent behavior was much improved, the PHA could consider this a mitigating circumstance. PHA staff must document the improvement if the file contained only data about the former problems.
- If the evidence of mitigating circumstances presented by the applicant relates to a change in medical condition or course of treatment, the PHA shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance.
- The PHA shall also have the right to request further information reasonably needed to verify the facts the applicant claims directly related to mitigating circumstance, even if such information is of a medically confidential nature.
- If the applicant refuses to provide or give access to such further information, the PHA will give no further consideration to the mitigating circumstance.
- Screening staff must keep in mind that an applicant with a disability who may, for example, be unable to care for a current apartment alone, may still qualify as able to comply with the lease if he or she can demonstrate that assistance with caring for the unit has been secured. Such assistance could be in the form of a Live-in Aide, or it could be a friend, family member, chore service or employee of the applicant. It is not the province of the PHA to make judgments about the best way to provide assistance, but simply to determine whether the assistance will enable the applicant to meet the screening criteria.

- If the applicant needs help to comply fully with the lease terms, screening staff should obtain verifications that such assistance is available to the applicant.

Seeking Reasonable Accommodation

- If no mitigating circumstances exist that satisfy the PHA's applicant selection criteria, the PHA must consider reasonable accommodations the PHA could make to eliminate barriers to housing the applicant. Reasonable accommodations may take the form of either physical modifications made to the unit, building, development or grounds, or policy or procedural changes.
- An example of a reasonable accommodation might be approving an applicant for a larger unit (waiving the unit occupancy standards) to permit occupancy by a live-in aide who would assist the applicant with some aspect of lease compliance the applicant could not otherwise achieve.
- Accommodations, to be considered reasonable, must not cause undue financial or administrative burden or an alteration in the fundamental nature of the PHA's public housing program.
- If a service is necessary for compliance with the lease, the PHA cannot be required to provide it to an applicant with a disability if it is not provided to other tenants, but the PHA must consider admitting that applicant if he or she can document that the service will be provided by others at no cost to the PHA.

Any applicant with a disability who cannot meet the applicant screening criteria taking into account possible mitigating circumstances, reasonable accommodations by the PHA, or services needed for lease compliance verified to be provided to the applicant by others, must be denied.